



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 6 2003

DOT-E 13244

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| EXPIRATION DATE: June 30, 2005 |
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Kihei Industries
Houston, TX
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification packaging described as a hermetically sealed electron tube device for the transportation in commerce of the materials listed in paragraph 6 below. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.302a, 173.306(b)(4), and 175.3 in that the electron tube is not an authorized packaging, except as specified herein.
5. BASIS: This exemption is based on the application of Kihei Industries dated May 23, 2003, submitted in accordance with § 107.105 and the public proceeding therein.

AUG 6 2003

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Material Description | Hazard Class/ Division | Identi- fication Number | Packing Group |
|---|------------------------------|-------------------------------|------------------|
| Compressed gases, n.o.s. (May contain Helium, Argon, Neon, Nitrogen, Xenon, Krypton, Carbon Dioxide and not more than 5% Methane) | 2.2 | UN1956 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging are non-DOT specification metal, single trip, inside containers, described as hermetically sealed electron tube radiation sensors. Each radiation sensor is designed and constructed in accordance with Kihei Industries Tupe Specification dated May 23, 2003 on file with the Office of Exemptions and Approvals (OHMEA). The radiation sensor is not equipped with a pressure relief device. Each radiation sensor must conform with the following design criteria:

Diameter: 1/2 inch to 6 inches

Volume: 4 to 320 cubic inches water capacity

Operating pressure: 25 to 310 psig

Minimum burst pressure: Four times the design operating pressure.

b. OPERATIONAL CONTROLS -

(1) The radiation sensor must be shipped in a strong outside packaging capable of withstanding a minimum drop test of four feet without breakage of the radiation sensor or rupture of the outside packaging.

(2) Equipment containing radiation sensors covered by this exemption must be in strong outside packagings providing equivalent protection for the devices as specified in paragraph 7.b.(1) above.

AUG 6 2003

(3) Emergency response information provided with the shipment, and available via an emergency response telephone number must indicate that the radiation sensors are not fitted with pressure relief devices, and provide appropriate guidance for exposure to fire.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. Except when offered for transportation by air:

(1) Packages covered by this exemption are excepted from labeling requirements of Subpart E of Part 172.

(2) Shipments are not subject to the placarding requirements of Subpart F of 49 CFR Part 172.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

Robert A. McGuire
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 6 2003

(DATE)

AUG 6 2003

Continuation of DOT-E 13244

Page 5

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: CWF